

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VANESSA LUCERO,

Plaintiff

vs.

Case No.: 1:21-cv-649

**STATE OF NEW MEXICO (NM), HUMAN SERVICES
DEPARTMENT (HSD),**

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(b) and 1446(a) and (b), Defendant State of New Mexico Human Services Department, by and through its undersigned counsel, Brennan & Sullivan, P.A. (Gabriela M. Delgadillo and Christina L. G. Brennan), gives Notice of Removal to this Court of the civil action filed in the First Judicial District Court for the State of New Mexico, County of Santa Fe, Cause No. Case No.: D-101-CV-2021-01335, filed by Vanessa Lucero, and as grounds therefore states:

1. On June 15, 2021 Plaintiff Vanessa Lucero filed a Civil Complaint for of Employment and Various Law Violations (“Complaint”). A copy of the original Complaint is attached as **Exhibit A**. The Complaint presents a federal question, as it alleges violations of Plaintiff’s civil rights under Title VII of the Civil Rights Act.
2. The Complaint was served on Defendant on June 18, 2021.
3. This Notice of Removal is timely as it is filed within thirty (30) days of receipt of the Complaint.

4. Pursuant to 28 U.S.C. § 1446(d), copies of the Notice of Removal will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Clerk of the First Judicial District Court, County of Santa Fe, State of New Mexico.

5. The claims stated against Defendant that are subject to the original jurisdiction of this Court pursuant to 28 U.S.C. 1331 and 1343(a)(3) and (4) are as follows:

- a. Plaintiff alleges that she has brought the Complaint under “Title VII Civil Rights Act of 1964, including Americans with Disabilities Act” and 42 USC § 1981. *See* Ex. A.
- b. Plaintiff invokes jurisdiction of the Court pursuant to 28 USC §§ 111, 451, 1331, 1343. *See* Ex. A, ¶ 1.
- c. Plaintiff states that this action is “authorized and instituted pursuant to Sections 703(a), 704(a), 706(f)(1), 706(f)(3), of Title VII of the Civil Rights Act of 1991, 42 U.S.C. §§ 2000e-2(a), 2000e-3(a), 2000e-5(f)(1), 2000e-5(f)(3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981, 29 U.S.C. §§ Chapters 6, 7, 8, 28 and 32.” *See* Ex. A, ¶ 1.

6. Federal questions thus appear on the face of Plaintiff’s Complaint. While Plaintiff’s Complaint does not specifically allege any state law claims, to the extent such claims are raised, this Court has supplemental jurisdiction over these state claims pursuant to 28 U.S.C. § 1367.

8. Pursuant to Rule 81.1(a) of the Local Rules of the United States District Court for the District of New Mexico, Defendant submits a Notice of Filing of State Court Record by attaching copies of all pleadings filed in the First Judicial District for the State of New Mexico,

County of Santa Fe, Cause No. D-101-CV-2021-01335, to this Notice of Removal. See, Interpreter Form, and two Summons Returns attached hereto as **Exhibits C, D and E**.

9. A Civil Cover Sheet is attached as **Exhibit B**.

Respectfully submitted,

BRENNAN & SULLIVAN, P.A.

By: /s/ Gabriela M. Stewart
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of July, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing. A paper copy was also mailed by U.S. Mail to the following address of record:

Vanessa Lucero
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(505)489-8270
Pro Se Plaintiff

By: /s/ Gabriela M. Stewart
Gabriela M. Stewart